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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

DRAGANA COMPTON,

Plaintiff,

v.

CAPITAL ONE FINANCIAL CORP.,

Defendant.

Case No.

**NOTICE OF REMOVAL OF
ACTION TO THE UNITED
STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT
OF CALIFORNIA UNDER 28
U.S.C. § 1441(a), 28 U.S.C. § 1331
(FEDERAL QUESTION)**

[Los Angeles County Superior
Court, Case No. 23VESC02548]

Complaint Filed: 11/28/2023

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF CALIFORNIA:**

PLEASE TAKE NOTICE THAT Defendant Capital One, N.A., erroneously named as “Capital One Financial Corp” (“Capital One”), hereby invokes this Court’s jurisdiction under the provisions of 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331, and removes this action from state court to federal court pursuant to 28 U.S.C. § 1446(b).

A. JURISDICTION

1. Capital One specifically alleges that this Court has federal question jurisdiction over this action pursuant to 28 U.S.C. §§ 1441(a) and 28 U.S.C. § 1331 because Plaintiff Dragana Compton (“Plaintiff”) alleges a cause of action and damages arising under the federal Fair Credit Billing Act (“FCRA”), 15 U.S.C. § 1666, *et seq.*

B. STATEMENT OF THE CASE

2. On November 28, 2023, Plaintiff filed a small claims complaint (the “Complaint”) in the Van Nuys Courthouse East, Los Angeles County Superior Court, State of California, designated as Case No. 23VESC02548 (the “Action”). Pursuant to 28 U.S.C. § 1446(a), true and correct copies of all process, pleadings, and orders received by Capital One in the Action are attached hereto as *Exhibit A*.

3. By Plaintiff’s Complaint, Plaintiff alleges that Capital One violated the “Fair Credit Billing Act,” which is codified at 15 U.S.C. § 1666, *et seq.* See Exh. A, Attachment to Complaint at ¶ 8.

C. BASIS FOR REMOVAL

4. This Court has jurisdiction over the Action pursuant to 28 U.S.C. § 1331 because Plaintiff alleges she seeks damages for Capital One’s purported violation of the Fair Credit Billing Act (*see*, Exh. A, Attachment to Complaint, at ¶ 8), which is a law of the United States. Adjudication of Plaintiff’s Complaint thus requires an analysis and construction of federal law. Accordingly, this Action may be removed to this Court by Capital One pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1331

1 because this Court would have had original jurisdiction founded on Plaintiff's claims
2 arising under the FCRA.

3 **D. ALL PROCEDURAL REQUIREMENTS FOR REMOVAL HAVE BEEN**
4 **SATISFIED**

5 5. Removal is timely. Service was made via certified mail on Capital One's
6 registered agent for service of process on December 11, 2023. Therefore, this Notice
7 of Removal is "filed within thirty [30] days after receipt by the defendant...of a copy
8 of [Plaintiff's Summons and Complaint]" in accordance with the time period
9 mandated by 28 U.S.C. § 1446(b); *Murphy Bros. v. Michetti Pipe Stringing*, 526 U.S.
10 344 (1999) (holding that the deadline to remove only begins to run once formal
11 service has been effectuated).

12 6. Removal to Proper Court. Venue lies in the United States District Court
13 for the Central District of California pursuant to 28 U.S.C. §1441(a) because the
14 Action was filed in this District.

15 7. Consent to Removal. Capital One is the only named Defendant in the
16 Action and therefore no consent of additional parties is required.

17 8. Pleadings and Process. Pursuant to 28 U.S.C. § 1446(a), a true and
18 correct copy of all process, pleadings and orders received by Capital One in the
19 Action are attached hereto as Exhibit A.

20 9. Notice. Written notice of the filing of this Notice of Removal will be
21 promptly served upon Plaintiff. Capital One will also promptly file a copy of this
22 Notice with the Clerk of the Superior Court of California, County of Los Angeles.

23 **WHEREFORE** Capital One prays that the Action, now pending against it in
24 the Superior Court of the State of California, County of Los Angeles, be removed
25 therefrom to this Court.

1 DATED: January 10, 2024

DOLL AMIR & ELEY LLP

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3 By: /s/ Hunter R. Eley

4 HUNTER R. ELEY
5 Attorneys for Defendant,
6 CAPITAL ONE, N.A.
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